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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA
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12 UNITED STATES OF AMERICA,

CASE NO. CR09-5675RJB

13 Plaintiff,

ORDER

14 v.

15 CURTIS LEE DESKINS,

16 Defendant.

17 THIS MATTER comes before the Court on defendant's Motion for Re-sentencing and
18 Imposition of a Reduced Sentence Pursuant to Section 404 of the First Step Act (Dkt. 39). The
19 court is familiar with the motion and documents filed in support of and in opposition to the
20 motion.

21 It appears from the pleadings that defendant is eligible for a reduced sentence under §
22 404 of the First Step Act of 2018. Whether he should receive a reduced sentence is contested.
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1 Defendant asks for a complete resentencing, including defendant's presence. Plaintiff argues
2 that defendant should not receive a reduced sentence and that his presence is not required.

3 In other First Step cases this court has had, the petitioners have made a written showing
4 that a reduction is appropriate. It appears to the court that an appropriate second step in the First
5 Step Act procedure is for defendant to make a written showing of the merits of his request for a
6 sentence reduction, with response and reply available. Then the court can determine whether to
7 grant or deny the request on the documentary showing, or whether the defendant should be
8 ordered returned to this district for a full resentencing hearing.

9 Defendant should be given 90 days to make his written showing. Response and reply
10 deadlines should be in accord with motion practice.

11 For the foregoing reasons, and to the foregoing extent, the Motion for Re-sentencing and
12 Imposition of a Reduced Sentence Pursuant to Section 404 of the First Step Act (Dkt. 39) is
13 GRANTED IN PART.

14 IT IS SO ORDERED.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
16 to any party appearing *pro se* at said party's last known address.

17 Dated this 25th day of February, 2019.

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20 ROBERT J. BRYAN
21 United States District Judge
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